

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 590 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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KANJIBHAI LALLUBHAI TANDEL

Versus

STATE OF GUJARAT

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Appearance:

MR MUKESH D RAVAL for Petitioner

MR BD Desai, ADDL.P.P. with Mr.M.R.Anand, P.P. for  
Respondent No.1 - State

SERVED for Respondent No. 2, 3

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CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 08/07/96

ORAL JUDGEMENT

Rule. Mr.B.D.Desai, learned A.P.P. with  
Mr.M.R.Anand, learned P.P. waive service of Rule on  
behalf of respondent No.1 - State.  
2. Mr.B.D.Desai, learned A.P.P. for the State  
places on record the statement showing the particulars of  
petitioner's sentence. It is asserted that when the

petitioner was on parole he absconded and did not surrender on the expiry of parole leave. Such period has been stated to be from 12.11.1985 to 29.4.1993, totalling to 2726 days. The grievance made on behalf of the petitioner is that the concerned Authority of the respondents ought to have taken into consideration the period during which the petitioner was under the confinement in Jail in some other offences. Therefore, the period during which he was in jail in 1992 should be considered. Such period would be from 6.6.1992 to 29.4.1993 when he was released on bail by the concerned Court. These facts also appear in the statement filed on behalf of respondents today. In the facts of the case, such period cannot be allowed to be deducted and submissions made on behalf of the petitioner cannot be accepted. The period calculated for the statement placed on record appears to be correct. In that view of the matter the petitioner is stated to be entitled to be released on completion of sentence on or around 13.6.1997. This petition, therefore, deserves to be dismissed at this stage.

Rule is discharged.

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